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March 31, 2003

VIA COURIER

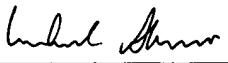
The Commissioner of Patents
and Trademarks
Washington, D.C. 20231
U.S.A.

Dear Sirs:

RE: U.S. Patent Application No. 09/762,765
Applicant: Costas Tzoganakis et al.
Title: MELT PHASE HYDROSILYLATION OF
POLYPROPYLENE

This letter is a follow-up to our letter of February 13, 2003 concerning the indicated deposit of funds in our deposit account. We note that contrary to the indication in the Decision of October 18, 2002, a copy of which is enclosed, the Petition fee submitted September 5, 2002 has not been credited to our deposit account and we await your clarification with respect to this matter.

Yours truly,


Michael I. Stewart
Registration No. 24,973

Enclosure(s)

330 University Avenue
6th floor
Toronto, Canada
M5G 1R7

Telephone (416) 595-1155
Fax (416) 595-1163

MICHAEL I. STEWART
ROGER T. HUGHES, Q.C.
TONI POLSON ASHTON
JOHN H. WOODLEY
KENNETH D. MCKAY
TIMOTHY M. LOWMAN
STEPHEN M. LANE
ARTHUR B. RENAUD
STEPHEN J. PERRY
PATRICIA A. RAE
DAVID A. RUSTON
BARBARA J. MURCHIE
L.E. TRENT HORNE
LOLA A. BARTOSZEWCZ

GEOFFREY B.C. DE KLEINE
KIMBERLY A. MCMANUS
WENDY M. NOSS

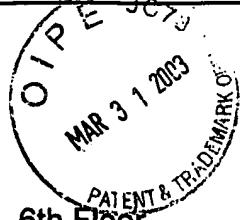
SENIOR CONSULTANT
PETER W. MCBURNAY
TECHNICAL ASSISTANTS
KAMLEH J. NICOLA, B.Sc., LL.B.
COBY A.B. SCHNEIDER, B.A., LL.B.
MATTHEW D. POWELL, P. ENG.
MICHAEL S. COLUCCI, Ph.D.
ANDREW R.O. JONES, B.A., LL.B.
GEOFFREY J. NORTH, B.Sc., LL.B.
REBECCA M. EAGEN, Ph.D.
MARCO M. CLEMENTONI, B. MATH.

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Michael I. Stewart
SIM & McBURNEY
330 University Avenue, 6th Floor
Toronto, Ontario M5G 1R7
Canada

In re Application of
TZOGANAKIS, Costas et al
Application No.: 09/762,765
PCT No.: PCT/CA99/00731
Int. Filing Date: 11 August 1999
Priority Date: 14 August 1998
Attorney's Docket No.: 1811-228 MIS:jb
For: MELT PHASE HYDROSILYLATION OF
PROPYLENE



DECISION ON
REQUEST TO WITHDRAW
HOLDING OF ABANDONMENT
AND 37 CFR 1.182

APR 02 2003

This decision is in response to applicants' "Petition to Withdraw Notification of Abandonment" filed on 17 July 2001.

BACKGROUND

On 01 March 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. A one-month time period for response was set with extensions of time available.

On 01 May 2001, applicants purportedly filed a transmittal letter, an executed declaration, and a one-month extension of time and authorization to charge any required fees to Deposit Account No. 03-3870.

On 28 May 2002, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to Form PCT/DO/EO/905 within the time period set.

On 17 July 2002, applicants filed the instant petition which was accompanied by, *inter alia*, copies of the documents purportedly filed 01 May 2001.

On 05 September 2002, applicants submitted a check of \$1,240 in response to an email sent by Patricia A. Booker of the USPTO.

DISCUSSION

In the instant petition, applicants request that the PTO withdraw the holding of

abandonment because a signed declaration was submitted on 01 May 2001 in response to the Notification of Missing Requirements mailed 01 March 2001.

A review of the documents submitted with the instant petition (which are copies of the documents purportedly filed 01 May 2001), show that two forms, the "Transmittal Form" and "Fee Transmittal for FY 2001" were captioned with the wrong U.S. application number, i.e., 09/792,765, not 09/762,765. (The letter accompanying the documents did list the correct U.S. application number.) A search of U.S. application number 09/792,765 has located the missing papers that were received on 01 May 2001. These papers have been removed and placed in the above-identified application.

Therefore, this petition is treated as a petition under 37 CFR 1.182 to correct applicants' error in captioning two of the documents with the wrong U.S. application number. The \$130.00 petition fee pursuant to 37 CFR 1.182 has been charged to Deposit Account No. 19-2253 as authorized. The petition fee of \$1,240.00 submitted on 05 September 2002 is not warranted in this situation and has been credited to Deposit Account No. 19-2253 as authorized.

DECISION

The petition under 37 CFR 1.182 to correct the U.S. application number on the papers filed 01 May 2001 and to withdraw the holding of abandonment in the above-captioned application is hereby **GRANTED**.

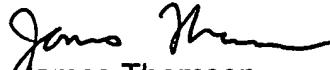
Please use only U.S. application No. **09/762,765** for all future correspondence in the above-captioned application.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 11 August 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **01 May 2001**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



Leonard Smith
PCT Legal Examiner
PCT Legal Office



James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457